

## REMARKS

Claims 1-10 and 13 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is requested.

### Rejection under 35 U.S.C. §103

Claims 1-3, 5, 6, 8, 9 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Scheirer** et al. (US 6,570,991, hereinafter referred to as "**Scheirer**") in view of Gray et al. ("Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria", Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997, hereinafter referred to as "**Gray**"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness.

Independent claim 1 recites, inter alia, dividing the summed energy within the at least one predetermined frequency band by an average of subsequent values of said extracted predetermined audio feature.

Applicant submits that neither **Scheirer** nor **Gray** discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that the secondary reference to **Gray** does not remedy the conceded deficiency in the primary citation to **Scheirer**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Scheirer** and **Gray** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary citation to **Scheirer** does not disclose an average of subsequent values. (Office Action, page 4, line 7). Nonetheless, the Office Action rejects independent claim 1, contending that the secondary citation to

**Gray** (p1, Abstract) provides this necessary disclosure. (Office Action, page 4, lines 8-9). This contention is respectfully traversed.

**Gray** relates to a design of moving-average trend filters using fidelity, smoothness and minimum revisions criteria. The abstract of **Gray** is reproduced herein below.

## Abstract

Many seasonal adjustment procedures decompose time series into trend, seasonal, irregular and other components using simple non-seasonal finite moving-average trend filters. This report considers the design of such filters, both in the body and at the ends of series, based on specified criteria and simple dynamic models operating locally within the span of the filter.

In the body of the series a flexible family of finite moving-average trend filters is developed from specified smoothness and fidelity criteria. These filters are based on local dynamic models and generalise the standard Macaulay and Henderson filters used in practice. The properties of these central filters are determined and evaluated both in theory and in practice.

At the ends of the series the central moving-average trend filter used in the body needs to be extended to handle missing observations. A family of end filters is constructed using a minimum revisions criterion and based on the local dynamic model operating within the span of the central filter. These end filters are equivalent to evaluating the central filter with unknown observations replaced by constrained optimal linear predictors. Two prediction methods are considered; best linear unbiased prediction (BLUP) and best linear biased prediction where the bias is time invariant (BLIP). The BLIP end filters generalise those developed by Musgrave for the central X-11 Henderson filters and include the BLUP end filters as a special case.

The properties of these end filters are determined both in theory and practice. In particular, they are compared to the Musgrave end filters used by X-11 and to the case where the central filter is evaluated with unknown observations predicted by global ARIMA models. The latter parallels the forecast extension method used in X-11-ARIMA.

**Keywords:** Moving-average filters; local trend estimation; dynamic models; fidelity; smoothness; minimum revisions; best linear unbiased prediction; best linear biased prediction; X-11; seasonal time series; seasonal adjustment.

It is unknown to the Applicants how this disclosure of **Gray** (p1, Abstract) relates to the subject invention or how the Examiner is taking the mention of “central moving average filter” to be that same as “dividing ... by an average of subsequent values of said extracted predetermined audio feature.” Thus, **Gray** does not provide a disclosure that remedies the aforementioned, conceded deficiency in the primary citation to **Scheirer**.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-3, 5, 6 and 13 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

With respect to claim 8, the same contains limitations similar as with respect to claim 1. Claim 8 is thus believed allowable over the **Scheirer** and **Gray** references for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 8 is allowable and an early formal notice thereof is requested. Claim 9 depends from and further limits independent claim 8 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Scheirer** et al. (US 6,570,991) in view of **Gray** et al. (“Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria”, Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997), in further view of **Blum** et al. (US 5,918,223). Applicant respectfully traverses this rejection for at least the following reasons. Claim 4 depends from and further limits allowable independent claim 1 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 7 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Scheirer** et al. (US 6,570,991) in view of **Gray** et al. ("Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria", Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997), in further view of **Rui** et al. (US 7,028,325). Applicant respectfully traverses this rejection for at least the following reasons. Claim 7 depends from and further limits claim 5, which depends from allowable independent claim 1 and therefore is allowable as well. Claim 10 depends from and further limits independent claim 8 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 8 are in condition for allowance. Claims 2-7 and 13 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 9 and 10 depend from and further limit independent claim 8 and therefore are allowable as well.

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Response to Office Action of January 11, 2010

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An early formal notice of allowance of claims 1-10 and 13 is requested.

Respectfully submitted,

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